

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 01-CR-7

LARRY D. ALLEN, JR.
Defendant.

ORDER

Defendant Larry Allen, Jr. has filed a “Motion for Modification/Reduction of Sentence” based on United States v. Booker. He provides no jurisdictional basis for the motion. Courts generally lack authority to reduce or modify a sentence long after it was imposed. See United States v. Zingsheim, 384 F.3d 867, 871 (7th Cir. 2004). Therefore, the motion must be dismissed for lack of jurisdiction. Alternatively, the motion must be denied because Booker does not apply retroactively to sentences such as Allen’s that became final prior to January 12, 2005. McReynolds v. United States, 397 F.3d 479, 481 (7th Cir. 2005).

THEREFORE, IT IS ORDERED that the motion (Docket # 76) is **DISMISSED**.
Alternatively, the motion is **DENIED**.¹

Dated at Milwaukee, Wisconsin, this 3rd day of June, 2005.
/s Lynn Adelman

LYNN ADELMAN
District Judge

¹Allen recently filed a § 2255 action, Case No. 04-C-1155, which I dismissed by order of today’s date. I afforded him an opportunity to amend his § 2255 motion to include the Booker claim but he failed to do so.